

# **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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IN RE: AUTOMOTIVE PARTS ANTITRUST  
LITIGATION

No. 12-md-02311  
Hon. Sean F. Cox

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IN RE : HEATER CONTROL PANELS	Case No. 2:12-cv-00403
IN RE : OCCUPANT SAFETY SYSTEMS	Case No. 2:12-cv-00603
IN RE : SWITCHES	Case No. 2:13-cv-01303
IN RE : IGNITION COILS	Case No. 2:13-cv-01403
IN RE : STEERING ANGLE SENSORS	Case No. 2:13-cv-01603
IN RE : ELECTRIC POWERED STEERING ASSEMBLIES	Case No. 2:13-cv-01903
IN RE : FUEL INJECTION SYSTEMS	Case No. 2:13-cv-02203
IN RE : VALVE TIMING CONTROL DEVICES	Case No. 2:13-cv-02503
IN RE : AIR CONDITIONING SYSTEMS	Case No. 2:13-cv-02703
IN RE : AUTOMOTIVE CONSTANT VELOCITY JOINT BOOT PRODUCTS	Case No. 2:14-cv-02903
IN RE : AUTOMOTIVE HOSES	Case No. 2:15-cv-03203
IN RE : SHOCK ABSORBERS	Case No. 2:15-cv-03303
IN RE : BODY SEALING PRODUCTS	Case No. 2:16-cv-03403 2:16-cv-10456
IN RE : INTERIOR TRIM PRODUCTS	Case No. 2:16-cv-03503
IN RE : AUTOMOTIVE BRAKE HOSES	Case No. 2:16-cv-03603
IN RE : EXHAUST SYSTEMS	Case No. 2:16-cv-03703
IN RE : CERAMIC SUBSTRATES	Case No. 2:16-cv-03803 2:16-cv-11804
IN RE : POWER WINDOW SWITCHES	Case No. 2:16-cv-03903
IN RE : AUTOMOTIVE STEEL TUBES	Case No. 2:16-cv-04003 2:16-cv-12949
IN RE : SIDE-DOOR LATCHES	Case No. 2:16-cv-04303 2:17-cv-11637

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THIS DOCUMENT RELATES TO:  
End-Payor Actions

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**DECLARATION OF RYAN C. KOENIG IN SUPPORT OF MOTION TO  
ENFORCE END PAYOR SETTLEMENTS AND STRIKE CONTRADICTORY AND  
IMPROPER STIPULATION**

I, Ryan C. Koenig, declare as follows.

1. I, Ryan C. Koenig, am employed as National Service Department Vendor Operations Manager at Enterprise Fleet Management, Inc. (“EFM”). In that role, I am fully familiar with the claim filed on EFM’s behalf in the class action litigation known as *In re: Automotive Parts Antitrust Litigation*, MDL No. 2311 (E.D. Mich.) (“Auto Parts Matter”) by EFM’s authorized representative Crowell & Moring LLP. Unless otherwise indicated, I have personal knowledge of the matters stated in this declaration and, if called as a witness, could and would competently testify thereto.

2. I make this declaration in support of EFM’s Motion to Enforce End Payor Settlements and Strike Contradictory and Improper Stipulation that was reached with Class Action Capital, Inc. (“CAC”) and certain other fleet management companies (“FMCs”).

3. EFM is an FMC and filed its initial claim in this matter on November 12, 2019. The claim was supplemented on March 16, 2020, to include additional vehicles that had become eligible under subsequent settlements.

4. EFM’s claimed vehicles were purchased new, not for resale, through dealerships in the United States.

5. The vast majority of EFM’s lease agreements are open-ended Terminal Rental Adjustment Clause (“TRAC”) leases. A true and correct copy of EFM’s standard lease agreement is attached here at **Exhibit 1**.

6. EFM’s standard lease includes terms consistent with EFM’s ownership of its vehicles and its customers’ rights to possession and use only:

- “Lessor is the sole legal owner of each Vehicle.” Ex. 1, ¶ 1.

- “This Agreement is a lease only and Lessee will have no right, title or interest in or to the Vehicles except for the use of the Vehicles as described in this Agreement.” Ex. 1, ¶ 1.
- “This Agreement shall be treated as a true lease for federal and applicable state income tax purposes with Lessor having all benefits of ownership of the Vehicles.” Ex. 1, ¶ 1.
- “Each Vehicle will be titled and licensed in the name designated by Lessor.” Ex. 1, ¶ 6.

7. EFM held title to each of its claimed vehicles for the entirety of its period of ownership, including during any lease of those vehicles to EFM customers.

I certify under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of March, 2022, in Missouri.

DocuSigned by:  
By Ryan Koenig  
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Ryan C. Koenig  
National Service Department Vendor  
Operations Manager  
Enterprise Fleet Management, Inc.